

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

KIETH SHELTON	§	
V.	§	CIVIL ACTION NO. 6:07CV387
J. PETERS, ET AL.	§	

ORDER OF DISMISSAL

Came on for consideration the above-referenced civil action, this Court having heretofore ordered that this matter be referred to the United States Magistrate Judge for proper consideration. Having received the report of the United States Magistrate Judge pursuant to its order, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore,

ORDERED that the Plaintiff's claim that Defendant J. Peters tampered with the videotape at trial shall be and is hereby **DISMISSED WITH PREJUDICE** to it being asserted again until the *Heck* conditions are met. It is further

ORDERED that Plaintiff's remaining claims shall be dismissed with prejudice for all purposes pursuant to 28 U.S.C. § 1915A(b)(1). All motions by either party not previously ruled on are hereby **DENIED**. So **ORDERED** and **SIGNED** this 4th day of December, 2007.



LEONARD DAVIS
UNITED STATES DISTRICT JUDGE